PEPPER & CORAZZINI

VINCENT A PEPPER ROBERT F. CORAZZINI PETER GUTMANN JOHN F. GARZIGLIA NEAL J. FRIEDMAN ELLEN S. MANDELL HOWARD J. BARR LOUISE CYBULSKI # JENNIFER L. RICHTER #

NOT ADMITTED IN D.C.

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May 24, 1993

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FEDERAL COMMUNICATION IN DELVINOSION

OFFICE STATE STATES

Ms. Donna R. Searcy Secretary Federal Communications Commission Washington, D.C. 20554

Amendment of Section/73.202(b) FM Table of

Allotments (Cheyenne, Wyoming) MM Docket No. 93-20/ RM-8177

Supplemental Comments

Dear Ms. Searcy:

On behalf of Jackalope Broadcasting, we hereby submit an original and four copies of its Supplemental Comments in the above-referenced proceeding.

Please direct any questions or correspondence concerning this matter to our offices.

Very truly yours,

John F. Garzeglia Louise Cybulski

Counsel for Jackalope Broadcasting

Enclosure

No. of Copies rec'd_

List A B C D E

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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- 2. Joint Licensees correctly admit, at p.1, that "their comments run counter" to the on-going policy of the Commission with respect to arguments concerning the competitive effects on operating stations affected by a given rule making proceeding. Specifically, the Commission has very recently reinforced that it "no longer addresses the potential economic impact of new allotments on existing stations." Report & Order (Pierce, Texas), DA 93-455, ¶ 13 (released May 17, 1993), citing FM Channel Assignments: Policies Regarding Detrimental Effects of Proposed New Broadcast Stations on Existing Stations, 3 FCC Rcd 638 (1988), aff'd, 4 FCC Rcd 2276 (1989).
- 3. Notwithstanding the procedural inappropriateness of the Joint Licensees' claims, Jackalope will substantively address the arguments. Jackalope proposes to bring diversity to the marketplace, and not to directly compete with the existing stations for listeners and, therefore, revenue. At this time, Jackalope plans to affiliate its proposed station with the Pat Robertson Network in order to provide Christian programming to Cheyenne. Although there is apparently an AM station which provides Christian programming, Jackalope's would be the first such FM service licensed to Cheyenne, excluding any FM translators of primary FM stations in other markets.
- 4. Jackalope specifically proposes to operate the station as a Class A facility with a goal of promoting diversity in programming to the local community, rather than technologically overpowering the existing stations in the market. Jackalope

merely seeks to appeal to an audience which is not currently served by the existing Christian programming available.

CONCLUSION

In light of the foregoing, Jackalope Broadcasting respectfully requests that the Commission accept and fully consider these Supplemental Comments in response to the Joint Reply Comments filed by KMUS, Inc. and Blue Sky Broadcasting, Inc.

Respectfully submitted,

JACKALOPE BROADCASTING

John F. Garziglia

CERTIFICATE OF SERVICE

I, Tracey S. Westbrook, a secretary in the law firm of Pepper and Corazzini, do hereby certify that copies of the

